

February 28, 2023

VIA EMAIL AND ECF

Hon. Victor Marrero
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Nike Inc. v. By Kiy LLC et al., No. 1:22-cv-10176-VM

Dear Judge Marrero,

Plaintiff Nike, Inc. (“Nike”) and Defendants Reloaded Merch LLC and Bill Omar Carrasquillo (collectively, “Reloaded/Carrasquillo”) conferred pursuant to the Court’s February 23, 2023 Order regarding Reloaded/Carrasquillo’s proposed motion to dismiss [Dkt. 60]. The parties submit this joint letter notifying the Court of their respective positions.

Nike’s Position

Nike consents to the Court deeming the pre-motion letters as a fully briefed motion to dismiss and ruling on the basis of the letters. But if the Court would like additional briefing from the parties, Nike requests supplemental briefing with the following schedule:

Brief	Deadline
Reloaded/Carrasquillo’s Supplemental 3-Page Letter Brief	March 7, 2023
Nike’s Responsive 3-Page Letter Brief	March 14, 2023

Reloaded/Carrasquillo’s Position

Because a motion to dismiss is a dispositive matter under Local Rule 7.1, Reloaded/Carrasquillo request the opportunity to submit a fully briefed motion in accordance with the following schedule:

Brief	Deadline
Reloaded/Carrasquillo’s Opening Motion	March 27, 2023
Nike’s Opposition	April 17, 2023
Reloaded/Carrasquillo’s Reply	May 1, 2023

Reloaded/Carrasquillo objects to Nike’s proposal to rely solely on the pre-motion letters, or a single supplemental three-page letter each, or Nike’s proposed deadlines.

Arnold & Porter

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Best regards,

Bridgette Gershoni

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Respectfully,

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cc (via ECF): John S. Durrant
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